

REMARKS

The claims in the application are now claims 1-7 and 10-98. Claims 8 and 9 have been cancelled. Claims 1 and 49 have been amended as indicated above.

In the Office Action, dated October 4, 2006, the Examiner has rejected claims 1-9, 42—47, 49-55, 68-73 and 96-98 and has indicated that claims 10-41, 48, 56-67 and 74-95 would be allowable if not dependent upon a rejected base claim.

The Examiner has rejected the above noted claims under 35 U.S.C. 102(a) or, in the alternative, under 35 U.S.C. 103 (a) citing US Patent 6,555,510 to Lamanna et al (hereinafter Lamanna). This rejection has been overcome by the above noted amendments and cancellations of claims. In view of the amendments, the objection to claims indicated to be allowable if not dependent on rejected base claims has also been overcome.

Lamanna discloses a narrow species of the class of compounds now claimed as a component of a phosphate ester functional fluid. The above noted amendments to the claims have avoided the narrow species disclosed by Lamanna, that being a bis(perfluoroalkanesulfonyl)imide. Such compounds as are disclosed by Lamanna are now removed from the claims by the provisos noted by the above amended claims. First, there is no disclosure or suggestion that anything within the scope of the filed claims other than the bis perfluoroalkanes would be useful in a functional fluid. Insofar as the bisperfluoroaryl compounds, it is submitted that there is a patentable distinction between the alkyl and aryl species.

To avoid the prior art, claim 1 has been amended, (and consequently all claims dependent thereon), so as to exclude the bis perfluoroalkyl species by requiring that when both Y and Y' are sulfonyl, X is nitrogen, A is oxygen and n is less than 2, then only one R_f can be selected from the noted alkyl species. Such claim avoids the prior art clearly under 35 U.S.C. 102 and, because of the narrow disclosure of Lamanna, there is no issue under 35 U.S.C. 103. As noted above the

aryl specie is patentable distinct from the alkyl specie.

Claim 49 has been amended in the same context as claim 1 was amended, although worded differently due to the claim structure of claim 49. The amendment of claim 49 provides that in Formula (i) only one of R_{f1} and R_{f2} can be selected from the alkyl specie when n is 2. Likewise, Formula (iv) has been made the subject of the second proviso such that when n is 2, then R_{f1} is not selected from the alkyl species. Such limitations remove the rejection of claim 49 on the basis of Lamanna under both 35 U.S.C.102 and 103 on the basis of Formulas (i) and (iv). The above remarks with respect to Lamanna in the discussion of the amendments to claim 1 are repeated here with respect to claim 49.

All other rejected dependent claims, other than those indicated to be allowable, are now allowable in that the limitation of the independent claims are contained in the dependent claims. Accordingly, all of the claims now in the application are seen to be patentable over Lamanna and therefore allowable along with those indicated by the examiner to be allowable if not dependent upon rejected claims. In view of the above noted amendments and remarks it is submitted that all of the claims in the application are now allowable and the examiner is respectfully requested to withdraw the rejections noted above and to pass the application to issue.

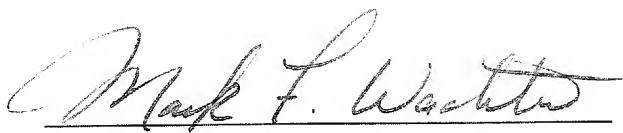
If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone

Application of: David C. Silverman, et al.
Serial No.: 10/700,395
Amendment A

Applicant's undersigned attorney in this regard.

Respectfully submitted,

Date: December 18, 2007

A handwritten signature in cursive script, reading "Mark F. Wachter", written over a horizontal line.

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